

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Cloid J. Vancise**  
**aka Jim VanCise**  
**Melissa M. Vancise**  
**aka Melissa Hoag**  
Debtor(s)

Bankruptcy Case No.: 17-10782-TPA  
Per February 6, 2018 Proceeding  
Chapter: 13  
Docket No.: 27 - 15, 22  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 27, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Nationstar Mortgage LLC (Claim No. 5) .
- ☒ H. Additional Terms: Fee application needed if fees (including retainer) exceed \$4,000.00.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: February 7, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Cloyd J. Vancise  
 Melissa M. Vancise  
 Debtors

Case No. 17-10782-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: jmar  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 28

Date Rcvd: Feb 07, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 09, 2018.

db/jdb  
 14682906 +Cloyd J. Vancise, Melissa M. Vancise, 5236 Beaver Street, Springboro, PA 16435-4440  
 14682907 +Bayview Nephrology, 350 E. Bayfront Pkwy, Unit C, Erie PA 16507-2410  
 +Bizfi Funding aka Merchant, Cash and Capital LLC, 460 Park Ave. South - 10th floor,  
 New York, NY 10016-7470  
 14665785 +Coml Accept, 2300 Gettysburg Rd, Camp Hill, PA 17011-7303  
 14665786 +Convergent Outsourcing, 800 Sw 39th St, Renton, WA 98057-4975  
 14665788 +Fedloan, Po Box 60610, Harrisburg, PA 17106-0610  
 14665789 +First Data, 265 Broad Hollow R, Melville, NY 11747-4833  
 14665790 +Fnb Cons Disc Co, 908 Park Ave, Meadville, PA 16335-3331  
 14682915 +Mantis Funding, LLC, 64 Beaver Street Suite 244, New York, NY 10004-2508  
 14738679 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096  
 (address filed with court: Nationstar Mortgage LLC, ATTN: Bankruptcy Department,  
 P.O. Box 619096, Dallas, TX 75261-9741)  
 14682917 +Northwest Bank Retail Servicing, PO Box 3001, Warren, PA 16365-1101  
 14665793 #+Northwest Consumer Dis, 3307 Liberty St, Erie, PA 16508-2558  
 14665796 +PNC Bank, National Association, 3232 Newmark Dr., Miamisburg, OH 45342-5421  
 14665797 +PNC Mortgage, PO Box 1820, Dayton, Ohio 45401-1820  
 14665794 +Penelec, c/o FirstEnergy, Building #1, Suite 1-511, 101 Crawford's Corner,  
 Holmdel, NJ 07733-1976  
 14682918 +Penelec, PO Box 16001, Reading PA 19612-6001  
 14665795 +Penn Credit, 916 S 14th St, Harrisburg, PA 17104-3425  
 14755690 US Department of Education, PO Box 16448, Saint Paul, MN 55116-0448  
 14670994 Wells Fargo Bank N.A.,, d/b/a Wells Fargo Dealer Services, PO Box 19657,  
 Irvine, CA 92623-9657  
 14665799 +Wfids, Po Box 1697, Winterville, NC 28590-1697  
 14682925 +Yellowstone Capital LLC, 30 Broad Street, Suite 1462, New York, NY 10004-2304

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14665787 +E-mail/Text: bankruptcynotices@dcicollect.com Feb 08 2018 01:48:01 Diversified Consultant,  
 10550 Deerwood Park Blvd, Jacksonville, FL 32256-0596  
 14665791 +E-mail/PDF: resurgentbknofications@resurgent.com Feb 08 2018 01:50:14 Lvnv Funding Llc,  
 Po Box 10497, Greenville, SC 29603-0497  
 14665792 +E-mail/Text: bankruptcy@matcotools.com Feb 08 2018 01:48:27 Matco Tools, 4403 Allen Rd,  
 Stow, OH 44224-1096  
 14666372 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Feb 08 2018 01:50:15  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14673014 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Feb 08 2018 01:47:25  
 Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946,  
 Harrisburg, PA 17128-0946  
 14665798 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Feb 08 2018 01:50:26  
 Portfolio Recovery Ass, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952  
 14665800 +E-mail/Text: collections@widgetfinancial.com Feb 08 2018 01:47:31 Widget Financial,  
 2154 E Lake Rd, Erie, PA 16511-1140

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr  
 cr\* NATIONSTAR MORTGAGE LLC  
 14682908\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14682909\* +Coml Accept, 2300 Gettysburg Rd, Camp Hill, PA 17011-7303  
 14682910\* +Convergent Outsourcing, 800 Sw 39th St, Renton, WA 98057-4975  
 14682911\* +Diversified Consultant, 10550 Deerwood Park Blvd, Jacksonville, FL 32256-0596  
 14682912\* +Fedloan, Po Box 60610, Harrisburg, PA 17106-0610  
 14682913\* +First Data, 265 Broad Hollow R, Melville, NY 11747-4833  
 14682914\* +Fnb Cons Disc Co, 908 Park Ave, Meadville, PA 16335-3331  
 14682915\* +Lvnv Funding Llc, Po Box 10497, Greenville, SC 29603-0497  
 14682916\* +Matco Tools, 4403 Allen Rd, Stow, OH 44224-1096  
 14682920\* +PNC Bank, National Association, 3232 Newmark Dr., Miamisburg, OH 45342-5421  
 14682921\* +PNC Mortgage, PO Box 1820, Dayton, Ohio 45401-1820  
 14682919\* +Penn Credit, 916 S 14th St, Harrisburg, PA 17104-3425  
 14682922\* +Portfolio Recovery Ass, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952  
 14682923\* +Wfids, Po Box 1697, Winterville, NC 28590-1697  
 14682924\* +Widget Financial, 2154 E Lake Rd, Erie, PA 16511-1140

TOTALS: 1, \* 15, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-1

User: jmar  
Form ID: 149

Page 2 of 2  
Total Noticed: 28

Date Rcvd: Feb 07, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 09, 2018

Signature: /s/Joseph Speetjens

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 7, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor NATIONSTAR MORTGAGE LLC bkgroup@kmlawgroup.com  
John E. Nagurney on behalf of Joint Debtor Melissa M. Vancise courtnagurney@zoominternet.net  
John E. Nagurney on behalf of Debtor Clويد J. Vancise courtnagurney@zoominternet.net  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 5